

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RICHARD MICHAEL CUSTER,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:08CV93
(Judge Keeley)

POTOMAC HIGHLANDS REGIONAL JAIL, ET AL.

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On March 20, 2008, pro se plaintiff, Richard Michael Custer, ("Custer") filed a complaint pursuant to 28 U.S.C. § 1983. The Court referred this matter to United States Magistrate Judge James E. Seibert for initial screening and a Report and Recommendation ("R&R") in accordance with Local Rule of Prisoner Litigation 83.09. On April 30, 2008, Magistrate Judge Seibert issued an R&R recommending that this Court dismiss the claims against Potomac Highlands Regional Jail and Mike Lawson with prejudice and that the case against the other defendants proceed. The R&R also specifically warned that failure to object to it would result in the waiver of any appellate rights on this issue. Nevertheless, Custer failed to file any objections.¹

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 21), **DISMISSES** the claims against Potomac

¹ Custer's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

ORDER ADOPTING REPORT AND RECOMMENDATION

Highlands Regional Jail and Mike Lawson with prejudice, and **ORDERS** the other defendants served with process.

The Clerk is directed to mail a copy of this Order to the pro
se plaintiff, certified mail, return receipt requested, and to
transmit copies of this Order to counsel of record.

Dated: June 17, 2008.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE